

**REMARKS**

This application has been carefully considered in connection with the Examiner's Office Action dated November 7, 2007. Reconsideration and allowance are respectfully requested in view of the following.

**Summary of Rejections**

Claims 1-25 were pending at the time of the Office Action.

Claims 1-25 were rejected under 35 USC § 103.

The Specification was objected.

The Drawings were objected.

**Summary of Response**

Claims 1, 4-6, 10, 11, 15 and 25 are currently amended herein.

Claims 2, 3, 7-9, 12-14, and 16-24 remain as originally submitted.

The specification has been amended.

The drawings have been amended.

Remarks and Arguments are provided below.

**Summary of Claims Pending**

Claims 1-25 are currently pending following this response.

**Drawings**

Applicants submit concurrently herewith, six (6) **Replacement Sheets**, Figures 1 – 6. The enclosed **Replacement Sheets** supersede the original drawings filed by Applicants on March 31, 2004.

Figures 3, 4, 5, and 6 have been corrected and all Figures, 1-6, have been prepared by a competent draftsman as suggested by the Examiner. This amendment is respectfully submitted not to introduce new matter, and is offered for clarification purposes.

**Applicant Initiated Interview**

Applicants thank Primary Examiner Ingberg for his time and consideration of the arguments presented in the telephone interview on January 30, 2008. In the interest of advancing prosecution, the claims have been amended herein as discussed with Primary Examiner Ingberg, and the title has been amended to be descriptive of the claims. It is respectfully submitted that the amendments offered do not introduce new matter, and that the amendments are fully supported by the specification.

**Response to Rejections**

The pending application relates to demonstrating and evaluating a proof of concept. A proof of concept may, in some embodiments, refer to a short synopsis of a system or method to demonstrate its feasibility. Demonstrations of proof of concept are traditionally carried out by vendors of a product at the request of potential purchasers of

the product. A potential purchaser might create a set of test cases or use cases designed to evaluate the product. Multiple use cases might be created to test various aspects of the product. Several vendors of similar products might then perform the tests specified by the use cases without prior knowledge of the contents of the tests. The potential purchaser might observe the performance of the products and might choose one vendor's product based on the observations.

While general procedures such as these might be followed in demonstrating proof of concept, a standardized process might not be used. A potential purchaser might follow different procedures for different products in the creation of use cases and in the evaluation of vendors' performances in the use cases. In addition, a potential purchaser might not maintain adequate documentation to support the reasons for choosing one product over another.

Disclosed in the pending application are systems and methods for demonstrating proof of concepts and a standard procedure for creating use cases, performing use cases, evaluating the results of use cases, and documenting plans for and conclusions indicated by use cases. A potential purchaser may create a project plan describing how the Proof of Concept is to be carried out. The project plan may include a set of use cases specifying the requirements the product is to meet, the tests to be performed, and the criteria for passing or failing. The potential purchaser, rather than a vendor, may carry out the use cases by performing hands-on evaluations of the products that might be purchased. Results of the use cases may be recorded in a use case log and

in a defects log. A project report may be created detailing the conclusions reached as a result of the use cases.

The Proof of Concept process, in some embodiments, begins when a need for a new product is identified. A project plan can be created to describe the desired functionality and capabilities of the product under consideration, how the product might aid in reaching a target state architecture of an enterprise or in meeting an immediate need of the enterprise, and how the product is to be evaluated. In these embodiments, vendors whose products might fill the need may be selected, use cases to evaluate the selected products may be created, and the vendors of the products may be requested to submit samples of their products. The potential purchaser may then subject the samples to the tests specified in the use cases. The results of the use case tests can be documented in a use case log, where the requirements listed in the project plan are mapped to use cases. The potential purchaser can review the information collected and reach a decision on which tested product is most appropriate for meeting the identified need.

With regard to the art rejections, the Office Action has cited Rational Rose and Rational Requisite Pro as teaching the disclosed systems and methods for evaluation, testing, and demonstration a proof of concept. However, Rational Rose fails to teach or suggest at least one limitation found in each of the independent claims including, but not limited to, the a purchaser testing of a project or product, testing a proof of concept, or weighing the results of tests preformed on a project or product. In addition, Rational

Requisite Pro does not cure this deficiency as it also does not teach or suggest the testing of a project or product for a proof of concept.

These distinctions, as well as others, will be discussed in greater detail in the analysis of the present claims that follows.

### **Response to Rejections under 35 USC 103**

In the Office Action dated November 7, 2007, Claims 1-18 were rejected under 35 USC § 103(a) as being unpatentable over the commercial product Rational Requisite Pro, Version 4.5, User's Guide from 1999 (hereinafter Pro) in view of Rational Rose as documented by Visual Modeling with Rational Rose, Terry Quatrani in 1998 (hereinafter Rose).

#### **Claim 1:**

I. Rose and Pro do not teach or suggest the purchasing organization testing of vendor projects.

One feature of the disclosed application is testing a project by a purchasing organization rather than vendor. This feature is discussed in the following limitation of amended Claim 1:

A system for a purchasing organization for demonstrating proof of concept of a project supplied by a vendor to be used by the purchasing organization

This amendment is supported throughout the original disclosure, including, but not limited to, paragraph [0017]. For the purpose of clarity, paragraph [0017] is

reproduced below.

In an embodiment of the method and system for demonstrating proof of concept described herein, a standard procedure is used for creating use cases, performing use cases, evaluating the results of use cases, and documenting plans for and conclusions indicated by use cases.... **The potential purchaser, rather than a vendor, carries out the use cases by performing hands-on evaluations of the products that might be purchased.** Results of the use cases are recorded in a use case log and in a defects log. A project report is created detailing the conclusions reached as a result of the use cases. [Emphasis Added]

The pending application discloses systems and methods whereby the purchaser of a product, rather than a vendor of a product, performs testing on a product sold by a vendor. This approach permits a purchaser to evaluate the suitability of a product rather than rely on the representations of the vendor. Unlike Rose and Pro that do not teach or suggest allowing a purchaser to test a vendor's product, the pending application discloses systems and methods which facilitate the accurate and unbiased testing of a vendor's products by the purchaser.

Moreover, the purchaser may use the results for other projects and may store the results of the tests for future reference. This aspect of the pending application is discussed in Claim 1 in the following limitation:

a reporting component that reports the results to the purchasing organization for the at least some of the use cases.

Since the purchaser may have an intended use for a product, the purchaser will be able to accurately evaluate how well a project will work for the purchaser. Moreover,

the purchaser can record the results of a product for future reference thereby allowing the purchaser to make more informed purchasing decisions in the future without the need to perform redundant testing. This is discussed in [0028] of Applicant's original disclosure, as reproduced below:

In box 126, the requirements to be met by the new product are defined based on the project plan and the target state architecture. In box 128, use cases are developed based on the requirements, **such as using earlier use cases**, test result, develop new use cases, or other information maintained by the present disclosure. The use cases detail the features to be tested, the test conditions that will be used to test the product, and the pre-conditions and post-conditions for each test. In box 130, the project plan is updated to assign use cases to resources so progress can be tracked on a regular basis.

Therefore, information derived from earlier testing may be used by future projects.

Rose and Pro do not teach or suggest the testing of products by a purchasing party. In addition, neither Rose nor Pro teach or suggest recording tests results obtained by the purchaser on third party products. It is therefore respectfully submitted that Pro does not teach or suggest the disclosed limitations of Claim 1, including the limitations of "A system for a purchasing organization for demonstrating proof of concept of a project supplied by a vendor to be used by the purchasing organization" and "tests comprising functional, performance, scalability, and longevity testing."

II. Rose and Pro do not teach or suggest testing a project.

One feature of the disclosed application is testing a project. This feature is discussed in the following limitation of amended Claim 1:

a use case component that maintains a plurality of use cases comprising functional, performance, scalability, and longevity tests;

This amendment is supported throughout the original disclosure, including, but not limited to, paragraphs [0017] and [0022]. For the purpose of clarity, paragraph [0022] is reproduced below.

Four general types of tests can be performed in the Proof of Concept process: *functional, performance, scalability, and longevity*. Functional testing determines whether or not a product achieves the results it is intended to. Performance tests deal with how well a product achieves its intended results. ... Scalability testing deals with how well a product can adapt to changes in the volume of work it is requested to do. Longevity tests measure how long a product can operate without errors. *[Emphasis Added]*

Testing provides evidence that a concept achieves the results it is intended to. In addition to testing if a project obtains a desired result, testing further determines how well a project achieves its intended result, if a project can adapt to changes in the volume of work it is requested to do, and how long a project can operate without error. These are all important to ensuring that the project is capable of functioning as intended.



For the purpose of clarity, the term “project” is intended to include, but not be limited to, a product. Examples of the claimed project are illustrated through dependant Claims 7 and 8, as originally filed. These dependent claims show that a project may be a software product or a computer application. Therefore through claim differentiation, it is understood that a project at least encompasses a product.

The Office Action has analogized the testing of a project contained within applicant’s disclosure to the outlining of Pro. In the office action, section 14-3 from Pro is cited as teaching “testing”. However, section 14-3 of Pro relates to outlines for testing, not testing itself. Section 14-3 is entitled “Using Outlines” and the introduction is reproduced below.

Outlines are templates that are useful for maintaining consistency across documents of the same type, such as software requirements specifications. Outlines can help you quickly create user-needs documents, specifications and test plans. [Emphasis Added]

While Pro discusses outlining, Pro does not teach or suggest functional, performance, scalability, or longevity testing as disclosed by the pending application. It is therefore respectfully submitted that Pro does not teach or suggest the disclosed limitations of Claim 1, including the limitations of “tests comprising functional, performance, scalability, and longevity tests”.

III. Rose and Pro do not teach or suggest weighting use cases.

Amended Claim 1 contains the limitation directed "wherein each of the use cases are weighted". Support for this amendment is found throughout the specification, including [0019] which is reproduced below.

"The project plan can include detailed descriptions of the use cases to be used to evaluate the product. This can include descriptions of the requirements to be filled by the product, how the use cases test whether the requirements are met, **the importance of each use case**, and criteria for determining whether the product passed or failed each use case. The requirements can be weighted based on their priority. Groups that might be affected by the product can provide feedback to the group conducting the Proof of Concept regarding the product's potential impact and the most appropriate methods for evaluating the product. This feedback can be used to revise the project plan."  
[Emphasis Added]

Therefore, the use cases can be weighted based on the importance of each use case. Weighting the use cases is not disclosed nor taught by Pro or Rose.

In the rejection of subsequent claims, the Office Action has analogized pages 16-2 and 16-3 to weighting use cases. However, pages 16-2 and 16-3 of Pro relate only to using a wizard to integrate Pro with Rose, and not weighting use case found in either Pro or Rose. A search of the cited references of Pro did not result of any mention of weighting. It is therefore respectfully submitted that none of the cited art of record teaches or suggests weighing use cases.

For at least the reasons established above in sections I-III, Applicants respectfully submit that independent Claim 1 is not taught or suggested by Pro in view of Rose and respectfully request allowance of this claim.

**Claims Depending from Claim 1:**

Dependent Claims 2-10 were also rejected under 35 USC § 103(a) as being unpatentable over Pro in view of Rose.

Dependent Claims 2-10 depend directly or indirectly from independent Claim 1 and incorporate all of the limitations thereof. Accordingly, for at least the reasons established in sections I-III above, Applicants respectfully submit that Claims 2-10 are not taught or suggested by Pro in view of Rose and respectfully request allowance of these claims.

**Claim 11:**

Claim 11 contains limitations directed at "testing the use case scenarios" as well as weighting as "weighting each use case based upon a priority associated with the requirement tested by the use case." For at least the reasons established above in sections I-III, Applicants respectfully submit that independent Claim 11 is not taught or suggested by Pro in view of Rose and respectfully request allowance of this claim.

**Claims Depending from Claim 11:**

Dependent Claims 12-18 were also rejected under 35 USC § 103(a) as being unpatentable over Pro in view of Rose.

Dependent Claims 12-18 depend directly or indirectly from independent Claim 1 and incorporate all of the limitations thereof. Accordingly, for at least the reasons established in sections I-III above, Applicants respectfully submit that Claims 12-18 are not taught or suggested by Pro in view of Rose and respectfully request allowance of these claims.

**Claim 19:**

In the Office Action dated November 7, 2007, Claims 19-25 were rejected under 35 USC § 103(a) as being unpatentable over the commercial product Rational Requisite **Pro**, Version 4.5, User's Guide from 1999 (hereinafter Pro) in view of Rational **Rose** as documented by Visual Modeling with Rational Rose, Terry Quatrani in 1998 (hereinafter Rose) as applied to Claims 1-18 above, and further in view of Microsoft **Project** (1995) (hereinafter Project).

Claim 19 contains limitations directed at "weighting each use case based upon a priority associated with the requirement tested by the use case" and "testing the product using the use cases." These limitations are substantially similar to the limitations discussed in sections I-III above. Rose and Pro do not teach or suggest these limitations. It is respectfully submitted that the addition of Project does not provide the ability to test the use case nor does it permit the weighting of a use case based upon

priorities.

Microsoft project is a project management tool that allows users to manually input information into a user interface to allocate existing resources. It cannot perform functional analysis, such as weighting based upon priorities, nor can it test whether a product will be able to fulfill a purpose using a use case. It is therefore respectfully submitted that Project does not teach or suggest weighting each use case based upon a priority associated with the requirement tested by the use case, and testing the product using the use cases and therefore does not cure the deficiencies present in Pro and Rose.

Therefore, for at least the reasons established above in sections I-III, Applicants respectfully submit that independent Claim 19 is not taught or suggested by the cited art and respectfully request allowance of this claim.

#### **Claims Depending from Claim 19:**

Dependent Claims 20-25 depend directly or indirectly from independent Claim 19 and incorporate all of the limitations thereof. Accordingly, for at least the reasons established in sections I-III above, Applicants respectfully submit that Claims 20-25 are not taught or suggested by the cited art and respectfully request allowance of these claims.

**Conclusion**

Applicants respectfully submit that the present application is in condition for allowance for the reasons stated above. If the Examiner has any questions or comments or otherwise feels it would be helpful in expediting the application, he is encouraged to telephone the undersigned at (972) 731-2288.

The Commissioner is hereby authorized to charge payment of any further fees associated with any of the foregoing papers submitted herewith, or to credit any overpayment thereof, to Deposit Account No. 21-0765, Sprint.

Respectfully submitted,

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